



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,099	03/13/2001	Gayle Marie Frankenbach	8244	2087

27752 7590 03/01/2006

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
WINTON HILL TECHNICAL CENTER - BOX 161  
6110 CENTER HILL AVENUE  
CINCINNATI, OH 45224

EXAMINER

KHAN, AMINA S

ART UNIT	PAPER NUMBER
----------	--------------

1751

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/805,099	FRANKENBACH ET AL.	
	Examiner	Art Unit	
	Amina Khan	1751	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 15-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 15-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1-11 and 15-80 are pending. In view of applicant's amendments filed on January 27, 2006 the 35 USC 102(e) rejection of claims 1-11 and 15-80 over Frankenbach et al. (US 6,495,058) is rendered moot. The applicant's arguments with respect to 35 USC 112 rejection of claim 7 is persuasive, therefore the rejection is withdrawn. New grounds for rejection are included below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 and 15-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Frankenbach et al. (US 6,491,840).

The prior art of Frankenbach et al. teaches methods of removing wrinkles by providing a wrinkle removal composition which may be used without heat and providing a set of instructions (column 84, lines 21-51) to apply said composition to wrinkles and to manipulate the fabric to remove wrinkles and let the fabric dry (column 85, lines 28-53), as claimed in claim 1.

Frankenbach further teaches that the compositions comprise at least 0.5% but less than 15% by weight water-soluble solvent (column 15, lines 1-30), which meets the claimed limitations of claims 2-6. Frankenbach further teaches that the compositions comprise perfumes (column 55, lines 51-60), which meets the claimed limitation of claim 9, silicone surfactants (column 16, lines 23-25), which meets the claimed limitation of claim 10, and lithium salts (column 31, lines 29-67), as claimed in claim 1. Frankenbach further teaches that the composition is provided in a container and the set of instructions is also provided associated with the container (column 84, lines 22-25), which meets the claimed limitations of claim 11.

Frankenbach further teaches that the instructions disclose to use a hair dryer to blow air across the fabric (column 89, lines 19-36), which meets the claimed limitation of claim 15. Frankenbach further teaches stretching or smoothing of the fabric by hand (column 88, lines 34-44), which meets the claimed limitations of claims 16 and 17. Frankenbach further teaches pinching the fabric with hands to reinforce creases or pleats (column 88, lines 55-67), which meets the claimed limitations of claim 18. Frankenbach further teaches that the instructions provide benefits other than wrinkle removal such as reducing odors, improving softness, etc. (column 84, lines 40-46), which meets the claimed limitation of claims 19 and 21. Frankenbach further teaches that the compositions are useful to treat garments for extending the time before another wash cycle is needed (column 86, lines 50-55), which meets the claimed limitations of claims 20 and 41.

Frankenbach further teaches that the compositions be held in a spray dispenser specifically a non-manual powered sprayer (column 79, lines 15-20), which meets the claimed limitations of claims 38 and 39. Frankenbach further teaches that the sprayer stream will be released by a triggering mechanism (column 79, 42-44), which meets the claimed limitations of claim 40. Frankenbach further teaches how to treat fabrics after improper storage, specifically after compression from storage in tight containers or after being left in the dryer too long after the end of the drying cycle (column 87, lines 9-16), which meets the claimed limitations of claims 42 and 43.

Frankenbach further teaches that the instructions comprise instruction to treat fabrics with 5-150% by weight of the fabric of the composition (column 85, lines 30-40), which meets the claimed limitations of claim 44. Frankenbach further teaches that the composition be applied evenly over fabric (column 87, lines 55-56) using a sweeping motion (column 87, lines 52-55), which meets the claimed limitations of claims 45 and 46. Frankenbach further teaches that the compositions be more highly dosed over wrinkled sites (column 87, lines 57-60) and the fabric sprayed from at least 6 inches but less than 12 inches away (column 87, lines 35-47), which meets the claimed limitations of claims 47, 48 and 49. Frankenbach further teaches that the composition be applied to household fabrics while the household fabrics reside in their typical environment, such as shower curtains being treated on the rod and table linens treated on the table (columns 91-92, lines 64-32), which meets the claimed limitations of claim 50. Frankenbach further teaches that the composition be applied to fabrics while on the hanger (column 92, lines 42-52).

Regarding the claimed limitation of "uniform composition when at rest" and a composition with a flash point greater than 60°C, while the prior art is silent about the claimed properties, they would be inherent to the composition because the composition comprises the same components at the same percentages (water miscible solvent, perfumes, and starch).

Regarding claims 22-37 and 52-80, which further limit the instructional information provided to the consumer, Frankenbach teaches including instructions either printed on the container itself or presented in a separate manner including, but not limited to, a brochure, print advertisement, electronic advertisement, and/or broadcast communication so as to communicate the set of instructions to a consumer of the article of manufacture (column 77, lines 35-67), which meets the claimed limitations of the instant claims.

Accordingly, the teachings of Frankenbach et al. anticipate the material limitations of the instant claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 1751

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

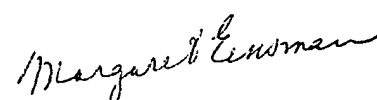
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Amina Khan, PhD  
Patent Examiner  
February 22, 2006



MARGARET ENGELN  
PRIMARY EXAMINER  
GROUP 1100